

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

C.A. No. 1:05-CV-11148-PBS

NEW ENGLAND CARPENTERS HEALTH
BENEFITS FUND, PIRELLI ARMSTRONG
RETIREE MEDICAL BENEFITS TRUST;
TEAMSTERS HEALTH & WELFARE FUND
OF PHILADELPHIA AND VICINITY;
PHILADELPHIA FEDERATION OF
TEACHERS HEALTH AND WELFARE
FUND; DISTRICT COUNCIL 37, AFSCME -
HEALTH & SECURITY PLAN; JUNE
SWAN; MAUREEN COWIE and BERNARD
GORTER,

Plaintiffs,

v.

FIRST DATABANK, INC., a Missouri
corporation; and MCKESSON
CORPORATION, a Delaware corporation,

Defendants.

NOTICE OF ERRATA

TO ALL PARTIES AND THEIR COUNSEL

PLEASE TAKE NOTICE THAT on December 20, 2006, Plaintiffs filed their Amended Memorandum in Support of Class Certification (Dkt. No. 179) and the Declaration of Steve W. Berman. (Dkt. No. 180). Plaintiffs unintentionally filed Exhibits 12 & 39 in an unredacted form. Plaintiffs respectfully request that the Clerk please substitute the attached Exhibits 12 & 39 (redacted) for the ones filed with the Declaration of Steve W. Berman (Dkt. No. 180) in both the Clerk's copy and the copy delivered to Judge Saris.

DATED: January 22, 2007

By /s/ Steve W. Berman

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CERTIFICATE OF SERVICE

I hereby certify that a true copy of the above document was served upon the attorney of record for each other party through the Court's electronic filing service on January 22, 2007.

/s/ Steve W. Berman

Steve W. Berman

EXHIBIT 12

From: Ferreira, Brian
Sent: Wednesday, December 08, 2004 11:29 AM
To: Cardenas, Debbie
Cc: Puccetti, Joy; Pasquale, Pete; James, Robert; Hilliard, Andy
Subject: RE: Net Brand RX Exception for Econo# 1220524

Thanks for the quick response. Have a great holiday season !

Brian

-----Original Message-----

From: Cardenas, Debbie
Sent: Wednesday, December 08, 2004 2:28 PM
To: Ferreira, Brian
Cc: Puccetti, Joy; Pasquale, Pete; James, Robert; Hilliard, Andy
Subject: RE: Net Brand RX Exception for Econo# 1220524

Thanks Brian, I am not involved if the item is not a Brand RX net priced slow mover. I did not have a chance to look it up and just assumed since it was sent to me.

Please carry on with your conversation with Bob James to resolve this situation.

-----Original Message-----

From: Ferreira, Brian
Sent: Wednesday, December 08, 2004 11:20 AM
To: Cardenas, Debbie
Cc: Puccetti, Joy; Pasquale, Pete
Subject: Net Brand RX Exception for Econo# 1220524

Deb,

This is the item we're trying to load as a local contract. We were told that it is not a Slow Mover and was not part of the Net Billed Initiative. Did we misinterpret these messages? I'm leaving the office for an appointment in Philly and I'll try to reach you later this afternoon.

Thanks,
Brian

-----Original Message-----

From: James, Robert
Sent: Tuesday, November 16, 2004 1:59 PM
To: Ferreira, Brian; Yonko, Greg
Cc: Pasquale, Pete; Petrus, Susan
Subject: RE: Tincture of Opium 1220524

This product is sold at list because it is a C2 narcotic, not because its a slow mover. Redacted which may have made sense years ago, but really doesn't today because 99% of our customers get around list only by their buy plans or contracts. All (with few exceptions) brand products are marked up 25% to get suggested sell or list price. The reason is ultimately, this is the markup that creates a 20% spread....which is the norm for 99% of all brand pharmaceuticals. This also makes our sugg sell and AWP the same number in most cases which makes BIS much more efficient in updating pricing actions.

2/22/2006

MCKAWP 0069766

EXHIBIT 39

McKesson's. Just for kicks, I assumed a 70% gross margin for JOM and calculated their Omnicare profit also.

Omnicare total JOM
Redacted

McKesson total JOM
Redacted

JOM Omnicare
Redacted

Redacted

-----Original Message-----

From: James, Robert
Sent: Wednesday, July 28, 2004 2:19 PM
To: Stubbs, Andrew; Boyd, Beth; Hanks, Jason; Cardenas, Debbie; Bolger, Phil
Cc: Felton, Jeff; Petrus, Susan; Torres, Martha
Subject: RE: JOM - Omnicare positioning for support Sales & Summary

Please see below for the workup of what the impact has been for Omnicare on JOM products relative to the change in AWP spread. Three years ago J & J products were all 16 2/3% AWP spread products. Today, almost all of them are 20% spread. Procrit just changed last month.

Just for this example we'll roll up these figures to WAC (amounts given divided by .982) and look at profitability assuming all third party Rx's based on AWP minus 15% (any additional fee would remain constant so we won't use a fee in this example because we don't have the number of transactions).

Redacted

Redacted

or 3 times the profit as before

Redacted

or more than 3 times the profit as before.

We're a nice advocate to have around. This example is just to provide background to our team so everyone realizes the impact of increasing AWP's.....Not by McKesson, but by the FDB process.

Call me if you questions.

Bob James
Vice President, Brand Rx Product Management
McKesson
One Post Street, 20th Floor
San Francisco, CA. 94104
Phone 415-983-8755, Fax 415-732-2951
robert.james@mckesson.com

-----Original Message-----

From: Stubbs, Andrew
Sent: Wednesday, July 28, 2004 12:20 PM
To: Boyd, Beth; Hanks, Jason; Cardenas, Debbie; James, Robert; Bolger, Phil
Cc: Felton, Jeff; Petrus, Susan
Subject: RE: JOM - Omnicare positioning for support Sales \$ Summary

All- Here's a summary of the JOM Sales, Procrit Sales, and Remicade Sales for all of Omnicare for April 04 through June 04.

Jason- just a reminder.... Redacted

Redacted

I have all the detail in a massive 22mb file, but I'm not sending that to everybody (just Jason). If you do need that file, please let me know and I'll send it separately.